



07 JAN 2009

TROJAN LAW OFFICES
9250 WILSHIRE BLVD
SUITE 325
BEVERLY HILLS, CA 90212

In re Application of NAKAMURA :
U.S. Application No.: 10/594,178 :
PCT Application No.: PCT/JP2005/005310 :
Int. Filing Date: 16 March 2005 : DECISION
Priority Date Claimed: 24 March 2004 :
Attorney Docket No.: 06-05-3109 :
For: FLOW RATE REGULATION FILTER, AND :
FUEL CONTAINER FOR FUEL CELL :

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 03 November 2008.

BACKGROUND

On 16 March 2005, applicant filed international application PCT/JP2005/005310, which claimed priority of an earlier Japan application filed 24 March 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 29 September 2005. The thirty-month period for paying the basic national fee in the United States expired on 25 September 2006 (24 September 2006 was a Sunday).

On 25 September 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 24 April 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 and an English translation of the international application must be filed.

On 14 May 2007, applicant filed an executed declaration.

On 25 June 2007, international application PCT/JP2005/005310 became abandoned as to the United States for failure to timely file a full and proper response to the Notification of Missing Requirements.

On 03 November 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 16 March 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 03 November 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459